

House Resolution 424

By: Representatives Day of the 163rd, Talton of the 145th, Barnard of the 166th, Ralston of the 7th, and Bearden of the 68th

A RESOLUTION

1 Creating the House Study Committee on the Power of Arrest and Peace Officer Certification
2 in Georgia; and for other purposes.

3 WHEREAS, it is essential to public health and safety that individuals authorized to act as
4 peace officers and to use the power of arrest be sufficiently trained, experienced, and
5 certified; and

6 WHEREAS, the Georgia Peace Officer Standards and Training Council (POST Council) sets
7 standards for peace officers in this state and mandates specific training and certification
8 requirements necessary to ensure officers are prepared to efficiently exercise the power of
9 arrest; and

10 WHEREAS, POST Council also regulates the professional practices of certified peace
11 officers and provides review and disciplinary action where peace officers abuse the power
12 of arrest or otherwise engage in misconduct; and

13 WHEREAS, it has come to the attention of this body that there exist categories of officers
14 authorized by law to exercise the power of arrest but who have no corresponding legal
15 requirement to be certified, trained, or reviewed by POST Council; and

16 WHEREAS, further inquiry and review is needed to discern whether there are officers
17 exercising the power of arrest, other than in state of emergency situations, who are not
18 certified and to explore further the enabling legislation for all officers authorized to exercise
19 the power of arrest, and, upon such inquiry and review, to make a determination whether
20 legislation is needed to establish or to clarify that POST Council certification is required
21 prior to any officer exercising the power of arrest in this state.

22 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES that
23 there is created the House Study Committee on the Power of Arrest and Peace Officer

1 Certification in Georgia to be composed of five members of the House of Representatives
2 to be appointed by the Speaker of the House of Representatives. The Speaker shall designate
3 a member of the committee as chairperson of the committee. The chairperson shall call all
4 meetings of the committee.

5 BE IT FURTHER RESOLVED that the committee shall undertake a study of the conditions,
6 needs, issues, and problems mentioned above or related thereto and recommend any action
7 or legislation which the committee deems necessary or appropriate. The committee shall
8 focus its attention on whether officers authorized by law to exercise the power of arrest are
9 also required by law to be certified by the Georgia Peace Officer Standards and Training
10 Council. The committee may conduct such meetings at such places and at such times as it
11 may deem necessary or convenient to enable it to exercise fully and effectively its powers,
12 perform its duties, and accomplish the objectives and purposes of this resolution. The
13 members of the committee shall receive the allowances provided for in Code Section 28-1-8
14 of the Official Code of Georgia Annotated. The allowances authorized by this resolution
15 shall not be received by any member of the committee for more than five days unless
16 additional days are authorized. The funds necessary to carry out the provisions of this
17 resolution shall come from the funds appropriated to the House of Representatives. The
18 committee shall make a report of its findings and recommendations, with suggestions for
19 proposed legislation, if any, on or before December 31, 2007. The committee shall stand
20 abolished on January 31, 2008.